

Message Text

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20

ACTION AF-08

INFO OCT-01 ISO-00 TRSE-00 L-03 SCS-03 SCA-01 DHA-02 SY-05

EB-07 JUSE-00 COME-00 H-02 DODE-00 PRS-01 PA-01

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FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 5971

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E.O. 11652: N/A

TAGS: CASC, MASS, ESTC, NI

SUBJECT: LOCKHEED RELATED ARREST CASES

REF: LAGOS 7421

1. TRIAL HAS BEEN IN PROGRESS SINCE JULY 8. PROSECUTION HAS USED FIVE SESSIONS (JULY 8,9,13,14, 15) TO PRESENT ITS CASE. PROSECUTION WITNESSES HAVE BEEN USUAL ARRAY OF POLICE AND AIR FORCE OFFICERS AND PERSONNEL TESTIFYING TO CIRCUMSTANCES OF THE WEAPONS DISCOVERY, MODE OF DELIVERY, IDENTITIES OF DEFENDANTS, DESCRIPTION OF THE CONTRABAND ITEMS, ETC. TESTIMONY AND CROSS-EXAMINATION (WHICH HAS BEEN EXCELLECT) TEND TO ESTABLISH GUTHRIE'S COMPLETE LACK OF KNOWLEDGE OF CONTENTS OF PARCELS WHICH CONTAINED THE ITEMS. POLICE AND AIR FORCE SECURITY PERSONNEL, PARTICULARLY THOSE OF LOWER RANK, OBVIOUSLY HAD CAREFULLY REHEARSED THEIR STATEMENTS AND TRIED TO PRESENT EVIDENCE IN WORST LIGHT FOR DEFENDANTS, BUT GAVE DEFENSE ATTORNEY'S MARVELOUS OPPORTUNITIES TO SHOW POLICE BIAS AND BRING OUT POINTS IN FAVOR OF DEFENSE. THE MORE SENIOR WITNESSES SEEMED QUITE WILLING TO TESTIFY WITH CANDOR, EVEN VOLUNTEERING FACTS HELPFUL TO DEFENSE.

2. TRIAL RESUMES JULY 22 AND PROSECUTION EXPECTED TO WIND UP THIS WEEK. IN NORMAL COURSE DEFENSE WILL THEN MOVE FOR DISMISSAL ON GROUNDS PROSECUTION FAILED SHOW KNOWLEDGE AND INTENT AND THEREFORE

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FAILED STATE A CASE. WE WOULD EXPECT MAGISTRATE TO TAKE FEW DAYS

TO DECIDE MOTION. IF MOTION DENIED, DEFENSE WILL PRESENT ITS CASE
OVER NEXT TWO OR THREE WEEKS.

3. MAGISTRATE THUS FAR HAS PRESIDED WITH EXCEPTIONAL ABILITY.
TRIAL HAS MOVED AT DELIBERATE PACE IN RELAXED ATMOSPHERE. OTHER
THAN LOW-LEVEL POLICE BIAS MENTIONED ABOVE, PROSECUTOR HAS MADE
NO EFFORT TO TRADE ON NATIONALITIES OF DEFENDANTS. TRIAL IS RECEIV-
ING ONLY LIGHT PRESS COVERAGE IN CONTRAST TO DISTORTED AND SEN-
SATIONALISTIC FRONT PAGE HEADLINES WITH WHICH WE WERE PLAGUED
WHILE MATTER WAS IN POLICE C.I.D. HANDS IN MAY AND EARLY JUNE.
CROSBY

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